IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 5001 of 2006(U)

PETITIONER:

P.R.SUKUMARAN, S/O.RAMAN NAIR, AGED 47 YEARS, LAST GRADE SERVANT (HIGHER GRADE), DISTRICT SPORTS COUNCIL, ERNAKULAM, RESIDING AT PAZHAYIDATH HOUSE, CHEMMANAD KARA, B.K.PURAM, P.O., PUTHENCRUZ, ERNAKULAM DISTRICT.

BY ADV. SRI.GRASHIOUS KURIAKOSE.

RESPONDENTS:

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1. **THE KERALA STATE SPORTS COUNCIL, THIRUVANANTHAPURAM REPRESENTED BY ITS SECRETARY.**
2. **THE SPORTS DEVELOPMENT OFFICER, DISTRICT SPORTS COUNCIL, ERNAKULAM.**
3. **P.S.RAJESH, PEON-CUM-GYMANSIUM KEEPER (DAILY WAGES), DISTRICT SPORTS COUNCIL, THRISSUR.**

BY ADV. SRI.T.R.HARIKUMAR,SC. K.S.COUNCIL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.5001/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P.1: COPY OF THE MEMO DTD. 16/08/1982 ISSUED BY THE HONORARY SECRETARY OF THE ERNAKULAM DISTRICT SPORTS COUNCIL.

EXT.P.2: COPY OF THE MEMO DTD. 25/07/1989 ISSUED BY THE R.1.

EXT.P.3: COPY OF THE REPRESENATION SUBMITTED BY THE PETITIONER DTD. 16/01/2006 BEFORE THE R.1.

EXT.P.4: COPY OF THE ORDER NO. KSSC/B1/3161/2005-06 PASSED BY THE R.1. DTD. 13/02/2006.

EXT.P.5: COPY OF THE PROCEEDINGS NO. EDSC/SF/2005-06 DTD. 16/02/2006 OF THE R.2.

EXT.P.6: COPY OF THE JOINING REPORT NO. EDSC/SF/2005-06 DTD. 15/02/2006 ISSUED BY THE R.2.

EXT.P.7: COPY OF THE ORDER NO. KSSC/B1/31612005-06 DTD. 17/02/2006 PASSED BY THE R.1.

EXT.P.8: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE R.1. DTD. 18/02/2006.

//TRUE COPY//

prv.

K. BALAKRISHNAN NAIR, J.

W.P.(C) No.5001 of 2006

Dated this the 25th June, 2007.

JUDGMENT

The petitioner is a Peon in the Ernakulam District office of the Sports Council. He submits that he was originally appointed as a Peon in 1978. Later, he was promoted as a Clerk in 1982. He relinquished his promotion and sought retention in the post of peon, so that he could continue in Ernakulam. The said prayer was allowed as is evident from Ext.P2 order. While so, ignoring the above fact, he was transferred to the Thrissur District office of the Sports Council. On his representation, Ext.P3, he was brought back to Ernakulam by Ext.P4 order dated 13.2.2006. But, by Ext.P7 order, the order dated 13.2.2006 was cancelled and the incumbents were directed to continue in the respective District Councils to which they were attached prior to 13.2.2006. Hence this writ petition, challenging Ext.P7. According to the petitioner, being a Last Grade Servant, he cannot be transferred out of his district.

2. The counsel for the first respondent submitted that the impugned transfer of the petitioner has since been cancelled.

In view of the above position, no further orders are required in this writ petition. Ext.P7 is quashed. It is clarified that under compelling grounds of exigencies of service, if the petitioner is to be transferred, the same can be done, notwithstanding this judgment.

This writ petition is disposed of as above.

K. BALAKRISHNAN NAIR,
JUDGE.

vav.